

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200



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MEMORANDUM

May 22, 2000

TO: Commissioners and Interested Persons

FROM: Peter Douglas, Executive Director
Ralph Faust, Chief Counsel
Dorothy Dickey, Deputy Chief Counsel

SUBJECT: **Rescission of Part of Commission's "Interpretive Guideline on Wetlands and Other Wet Environmentally Sensitive Habitat Areas"**

At the last Commission meeting, the staff proposed that the Commission rescind completely the document called "Interpretive Guideline on Wetlands and Other Environmentally Sensitive Habitat Areas." The Commission heard testimony from several people who commented that complete rescission of the Guideline was undesirable because the Guideline provides useful information and guidance relating to wetland protection under the Coastal Act. During its May meeting, the Commission directed the staff to revise the recommended action by carefully narrowing the rescission to only those parts of the Guideline that appear to authorize uses in wetlands that are inconsistent with Chapter 3.

In response to that direction, the staff now recommends that only the following sections be rescinded:

1) "Restoration Projects Permitted in Section 30233", Section IV-C, pages 13-14.

This section provides in relevant part that "[r]estoration projects may include some fill for non-permitted uses . . ." (page 13.) It goes on to detail the circumstances in which fill could be allowed for uses that are inconsistent with Chapter 3.

2) "Restoration and Maintenance of Wetland Habitat Areas", Section VIII, pages 23-27.

This section provides in relevant part that "[r]estoration projects under [the] . . . approach [described therein] may include uses that are not permitted in § 30233 if the project meets all of the other requirements of §§ 30233 and 30411." (page 24.)

RECOMMENDED COURSE OF ACTION:

The Commission indicated that this recommended rescission of a narrow portion of the guidelines affecting wetlands should be scheduled for public hearing during the next several Commission meetings. The purpose is to maximize opportunities for public participation. Accordingly, the staff recommends that the Commission take testimony only at its June meeting and provide staff with any additional guidance it deems appropriate.

Attachments: Staff Report dated April 21, 2000
Interpretive Guideline for Wetlands

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**IMPORTANT PUBLIC HEARING NOTICE****INTERPRETIVE GUIDELINE**

Public hearing and possible action on partial rescission of Coastal Commission Interpretive Guideline on Wetlands and other Wet Environmentally Sensitive Areas.

HEARING DATE AND LOCATION:

DATE: **Tuesday, June 13, 2000**
TIME: **Meeting begins at 10:00 a.m., Item No. 10**
PLACE: Radisson Hotel - Santa Barbara
1111 East Cabrillo Blvd., Santa Barbara
PHONE: (805) 963-0744

HEARING PROCEDURES:

This item has been scheduled for a public hearing. Although the item has also been scheduled for a possible vote by the Commission, the staff is recommending that the Commission defer taking action until a subsequent meeting. People wishing to testify on this matter may appear at the hearing and/or may present their concerns in writing to the Commission before the hearing date.

SUGGESTIONS FOR SUBMISSION OF WRITTEN MATERIALS:

If you wish to submit written materials for review by the Commission, please observe the following suggestions:

- We request that you submit your materials to the Commission staff no later than three working days before the hearing (staff will then distribute your materials to the Commission).
- Mark the agenda number of your item, the application number, your name and your position in favor or opposition to the project on the upper right hand corner of the first page of your submission. If you do not know the agenda number, contact the Commission staff person listed on page 2.
- If you wish, you may obtain a current list of Commissioners' names and addresses from any of the Commission's offices and mail the material directly to the Commissioners. If you wish to submit materials directly to Commissioners, we request that you mail the materials so that the Commissioners receive the materials no later than Thursday of the week before the Commission meeting. Please mail the same materials to all Commissioners, alternates for Commissioners, and the four non-voting members on the Commission with a copy to the Commission staff person listed on page 2.
- You are requested to summarize the reasons for your position in no more than two or three pages, if possible. You may attach as many exhibits as you feel are necessary.

Please note: While you are not prohibited from doing so, you are discouraged from submitting written materials to the Commission on the day of the hearing, unless they are visual aids, as it is more difficult for the Commission to carefully consider late materials. The Commission requests that if you submit written copies of comments to the Commission on the day of the hearing, that you provide 20 copies.

ALLOTTED TIME FOR TESTIMONY:

Oral testimony may be limited to 5 minutes or less for each speaker depending on the number of persons wishing to be heard.

ADDITIONAL PROCEDURES:

No one can predict how quickly the Commission will complete agenda items or how many will be postponed to a later date. The Commission begins each session at the time listed and considers each item in order, except in extraordinary circumstances. Staff at the appropriate Commission office can give you more information prior to the hearing date.

Questions regarding the report or the hearing should be directed to **Dorothy Dickey** at the above address.